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USA v. Emanuel

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NOT PRECEDENTIAL

IN THE UNITED STATES COURT
OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-2087

UNITED STATES OF AMERICA

v.

RASHEDE EMANUEL
Appellant

On Appeal From the District Court
of the Virgin Islands, Division of St. Croix
(D.C. Crim. Action No. 05-cr-00011)
District Judge: Hon. Anne E. Thompson

Submitted Pursuant to Third Circuit LAR 34.1(a)
December 7, 2006

BEFORE: McKEE, BARRY and STAPLETON,
Circuit Judges

(Filed: December 19, 2006)

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Appellant Rashede Emanuel pled guilty to possession of a firearm with an obliterated serial number in violation of 18 U.S.C. § 922(k). Pursuant to a plea agreement under Fed. R. Crim. Proc. 11(c)(1)(C), he agreed to a term of imprisonment of fifty-four (54) months, to which he was subsequently sentenced by the District Court.

Counsel for Emanuel has filed an appendix and an *Anders* brief stating that he has been unable to find a non-frivolous issue for review. The government agrees that no such issue exists. We have reviewed the indictment, the plea agreement, the “Application for Permission To Enter Plea of Guilty,” the transcript of the change of plea hearing, and the transcript of the sentencing hearing. Based on that review, we, too, are unable to identify a non-frivolous issue. We are satisfied that Emanuel’s plea was voluntarily, knowingly and intelligently entered and that his sentence was authorized by law.¹

The motion of Emanuel’s counsel to withdraw will be granted, and the judgment of the District Court will be affirmed.

¹Emanuel was afforded the opportunity to file a *pro se* document identifying non-frivolous issues and did not respond.